

55 C Municipal Wharf
Santa Cruz, CA 95060



831.425.1363 Telephone
831.425.5604 Facsimile
www.oceanconservancy.org

Delivered via electronic mail

April 16, 2008

Chair Susan Golding and
Members of the MLPA Blue Ribbon Task Force
c/o California Resources Agency
1416 9th Street #1311
Sacramento, CA 95814

RE: Support for Common Ground MPA Proposal 1-3

Dear Chair Golding and Members of the MLPA Blue Ribbon Task Force:

Ocean Conservancy appreciates the time and thoughtful attention your Task Force has devoted to the North Central Coast Region phase of the Marine Life Protection Act (MLPA) Initiative over the past several months and we thank you for your service to the State of California. The guidance and direction provided by the Blue Ribbon Task Force has been instrumental in the development of the three Marine Protected Area (MPA) network proposals now before you.

For the past eleven months, members of the MLPA Regional Stakeholder Group (RSG) have worked hard to develop MPA network proposals that meet scientific guidelines, incorporate input from community members and ocean users, and protect critical ecological areas and natural heritage sites along the North Central Coast. We acknowledge the time, commitment and contributions of all of our fellow Regional Stakeholder Group (RSG) members and believe that the three MPA proposals before you now each contain valuable ideas and provide a range of policy choices.

Ocean Conservancy urges you to select Proposal 1-3 as your "preferred alternative" and recommend it to the Fish and Game Commission for adoption. We believe that Proposal 1-3 incorporates several of the best MPA concepts from the two other proposals, is the most consistent with the guidance provided by your Task Force to the RSG throughout the process, and reflects an MPA network that all Californians can be proud of and ultimately support.

Our letter addresses the following key points in support of Proposal 1-3:

- (1) Only Proposal 1-3 has diverse cross-interest support:
- (2) Proposal 1-3 has significantly higher conservation value than Proposal 2-XA.
- (3) Proposal 1-3 includes most of the high quality MPA sites protected in Proposal 4.
- (4) Proposal 1-3 has potential short-term economic impacts comparable to Proposal 2-XA.

(1) Only Proposal 1-3 has diverse cross interest support.

Building upon the lessons learned during the initial phase of the MLPA Initiative, the North Central Coast MLPA Initiative process placed a great deal of emphasis on the value of diverse stakeholders working together to try to craft solutions that met conservation goals while addressing consumptive users' concerns. Your Blue Ribbon Task Force repeatedly urged the RSG to strive for MPA proposals that could generate cross interest support. One of the proposals before you was able to succeed at this challenging task – Proposal 1-3.

Proposal 1-3 is the only MPA network both developed and supported by a diverse coalition of RSG and community members, including fishermen, conservationists and divers. Proposal 1-3 presents a careful refinement of ideas that have been tested and vetted through cross-interest negotiations through the prior two MPA design rounds in Team 1 (Emerald) and Team 3 (Turquoise) and it draws heavily from many of the MPA concepts included in Proposals 2-XA and 4. With diligent attention to every voice in the room, Proposal 1-3 worked tirelessly to hammer out a middle ground proposal that meets scientific guidelines, minimizes economic impact and sets a strong conservation standard.

The work team that designed the Proposal 1-3 network includes:

- Ocean Conservancy
- Recreational fishermen and abalone divers
- Commercial fishermen
- California Coastal Commission
- Party boat operators
- Marine Mammal Center
- Defenders of Wildlife
- Consumptive and non-consumptive divers
- Gulf of the Farallones National Marine Sanctuary
- Seabird, marine mammal and tide pool docents
- Former manager of Fitzgerald Marine Park

As the “middle ground proposal,” we recognize that Proposal 1-3 may not be the first choice of either fishing or conservation interests. Indeed, as a conservation organization, even we believe Proposal 4 does the best job of achieving conservation values. However, the members of the Proposal 1-3 workgroup worked hard to develop an MPA proposal that reflects a balanced approach that a wide range of interests can accept. This successful effort to *work together* to find solutions deserves your strongest support.

(2) Proposal 1-3 has significantly higher conservation value than Proposal 2-XA.

Proposal 1-3 consistently ranks between Proposal 4 and Proposal 2-XA in the SAT analysis for total MPA coverage, habitat representation, and habitat replication at the very high level. For

example, Proposal 4 includes 14% of the North Central Coast in state marine reserves (SMRs), Proposal 1-3 has 11.4% in SMRs and Proposal 2-XA has only 8.8%. One important area of difference between the proposals is the size of MPA clusters that meet the minimum size requirement at the very high level of protection ("backbone" MPAs). Proposal 4 includes six MPA clusters that meet at least the minimum size requirement at the very high level of protection; Proposal 1-3 and Proposal 2-XA have five. But, Proposal 1-3 has significantly more area protected in its five very high MPAs than does 2-XA:

Square miles in very high protection backbone MPAs	Proposal 2-XA	Proposal 1-3	Proposal 4
Sea Ranch to Salt Point Area	9.6	20.5	28.5
Bodega Head	9.3	13.2	10.0
Point Reyes Headlands	9.4	9.4	9.4
Fitzgerald	9.3	14.3	13.0
San Gregorio			12.5
North Farallon Islands	18.1	18.1	18.1
Total	55.7	75.5	91.5

With the exception of the North Farallon Islands, Proposal 2-XA is near the minimum size for each of its backbone MPAs. Proposal 1-3 has two in the preferred size range, four that protect the whole ecosystem from intertidal to the state water boundary, and only one that is near the minimum size. By providing SMRs that cover a range of sizes (and not just the minimum recommended size of nine square miles), Proposals 4 and 1-3 do a better job of protecting a wider range of species likely to benefit from MPAs as compared to Proposal 2-XA. One habitat type that is strongly associated with species diversity and serves as critical nursery grounds for many species of fish is kelp forest. The North Central Coast region has far less available kelp habitat than the Central Coast region, making it particularly important to carefully site MPAs to include a meaningful portion of this habitat. Proposal 2-XA includes only 10% of average kelp canopy (by area) in MPAs as compared to 26% in Proposal 1-3 and 44% in Proposal 4. Notably, the adopted Central Coast MPA network includes 36% of average kelp canopy in MPAs.

(3) Proposal 1-3 includes most of the high quality MPA sites protected in Proposal 4.

Much has been made about the level of 'convergence' that has occurred between all of the MPA proposals before you. It is true that in several areas, such as Point Arena, Point Reyes and the Farallon Islands, MPA designs are very similar across the three proposals. However, a careful review of the proposals demonstrates that in other areas, and taken cumulatively, significant differences remain. Design of an effective MPA network requires attention to *quantity* of habitat (as reflected in the SAT sizing and spacing guidelines) but also to habitat *quality*. Proposal 1-3 contains many of the important ecological features included in Proposal 4 such as the area north of Salt Point State Park and Saunders Reef in Sonoma County; the northern end of Bodega Reef, a portion of Duxbury Reef in Marin County, and the reef off the existing Fitzgerald State Marine Park in San Mateo County. These features are either omitted entirely or inadequately protected in

Proposal 2-XA. As a result, overall, Proposals 4 and 1-3 do a much better job of including high quality habitat in MPAs. We believe that differences in the habitat quality included in the three proposals will have a significant impact on the ultimate effectiveness of each of the MPA proposals.

Specific differences between the proposals:

North of Salt Point State Park, Sonoma Coast: Like Proposal 4, Proposal 1-3 includes a preferred size SMR that extends out to the three-mile state line to protect ecosystems in complex rocky reef and kelp habitat and ensure connectivity into deep water. The area included in the Proposal 1-3 Rocky Point to Horseshoe Point SMR incorporates some of the richest and most diverse habitat in the North Central Coast region including high relief and regionally rare deepwater habitat. By contrast, Proposal 2-XA establishes an inshore Black Point SMR and offshore Black Point SMCA further north off of Sea Ranch. The 2-XA MPAs incorporate less ecologically valuable habitat in a much smaller reserve that fails to extend protection offshore to some of the deepest waters of the region. Proposal 1-3's MPA in this area was carefully negotiated to maintain the most popular public access points for recreational (abalone) divers and keep open all abalone index sites in the Sea Ranch area. Proposal 2-XA would cut off traditional dive access to five safe and heavily used public access sites in the Sea Ranch area.

Fitzgerald Marine Park in San Mateo County: The Fitzgerald reef and tide pools are one of the North Coast's ecological crown jewels. A small marine park was established at Fitzgerald in 1969 and local citizens have fought for decades for a fully protected marine reserve at this site (an effort supported by the San Mateo County Board of Supervisors). Both proposals 4 and 1-3 would establish an SMR that strengthens and expands existing protection at the existing Fitzgerald Marine Park to help restore the spectacular biological diversity of this heavily impacted area, while building on a 30-year scientific research record. Siting a SMR offshore of the existing Fitzgerald Marine Park advances MLPA Goal 3 by enhancing protection at one of California's most visited and well-studied marine education sites. This area also has the benefit of on-site enforcement provided by San Mateo County park rangers who patrol the area regularly as well as docents and extensive on-site educational programs. Proposal 1-3 includes an SMCA (Montara SMCA) to the north of the proposed SMR that was carefully negotiated with fishing members of the working group to accommodate for most existing fishing opportunities.

Proposal 2-XA's MPAs in the Fitzgerald region are "upside-down" with an SMCA off the existing Fitzgerald Marine Park location and an SMR located to the north. Proposal 2-XA's MPA cluster for this area includes only a small portion of the shale reef in an SMR, providing insufficient protection to the most valuable high relief habitat-including rocky pinnacles and ridges, crevices and cobbled valleys, surge channels, sea grass and kelp bed. Proposal 2-XA fails to provide the long sought and much deserved SMR protection for Fitzgerald, missing an opportunity to locate a fully protected SMR in an area with a strong enforcement presence and particularly high education values. Proposal 2-XA raises a somewhat misleading question about safety in this area. When seas are rough and tides are low, the only safe passage north and back south is to follow the buoys, which give the boater a wide berth of Pillar Point where there are massive breakers and

sizable waves reflected off the coast. If a boater is able to round the point north following the buoys, they will have no trouble making it past the proposed SMR to fish in the SMCA and open waters to the north. In addition, quite often boaters from Pillar Point Harbor head to fishing grounds south of the harbor rather than turn the corner to head north

North of Bodega Head, Sonoma County: Both proposals 4 and 1-3 establish an SMR that protects high relief rocky reef with varied habitat niches to the north of the head. Proposal 2-XA misses out on this key habitat by not extending its SMR as far north, while choosing instead to extend SMCA protection to the flatter, less ecologically valuable habitat to the south of Bodega Head. The difference between the proposals is masked in the SAT evaluation because the habitat analysis distinguishes only between rock and sand at various depths. The southern portion of what appear as rock on the habitat maps is, according to local experts, seasonally covered with sand and therefore does not support reef communities. The area of rocky habitat south at Bodega Head is very exposed to tides, waves and currents and as such will never be rocky habitat with kelp beds – the shifting sand from this high energy and exposed area makes it less valuable habitat. Proposal 4 provides a high level of protection here in a cluster that includes the more structured reef habitat. Proposal 1-3 provides small boat fishing opportunities and does the best job of accounting for safety concerns by angling their southern boundary to allow access to fishing grounds near the harbor.

Duxbury Reef, Marin County: As one of the largest shale reefs in North America, Duxbury Reef supports rich and diverse invertebrate communities. Conservationists, scientists and fishermen alike recognize that this area warrants protection because of the decline in its rockfish populations over the last 30 years. Most of the rockfish caught here in a recent study were immature. Despite its depletion, Duxbury continues to be important economically for local fishing communities and popular with fishermen out of San Francisco. Proposal 1-3 addresses this dilemma with a compromise solution that aims to protect part of the rockfish nursery in this area while allowing fishing for other popular species and leaving most of the reef open. Proposal 2-XA neglects this iconic place and fails to protect a unique habitat with high restoration value.

Saunders Reef in Mendocino County: Proposals 1-3 and 4 establish a conservation area to help protect a highly productive kelp and reef habitat while still allowing some types of fishing, including locally important commercial sea urchin fishing. Proposal 2-XA fails to protect a locally unique, high quality reef in the largest expanse of bull kelp in the north central region, while maintaining fishing that's critical to Point Arena Harbor. An earlier version of 2-XA included an SMCA at this site. Because it excludes this site from protection, Proposal 2-XA has a far lower percentage of kelp forest protection as compared to the other two proposals as noted above.

(4) Proposal 1-3 has potential short-term economic impacts comparable to Proposal 2-XA.

The EcoTrust April 4th, 2008 socioeconomic analysis of the final MPA Network proposals clearly shows that the difference in economic impacts between Proposal 1-3 and 2-XA is negligible, at

5.6% and 4.8%, respectively, or about \$68,000 total for all commercial fisheries annually. Proposals 1-3's worst-case analysis of 5.6% impact to commercial fisheries is less than half the level of the adopted MPA network in the Central Coast. Proposal 1-3's estimated worst-case impacts to recreational fisheries are also very modest, averaging between 5.6% (for kayak fishing) and 9.1% (for pier and shore fishing). Again, Proposal 1-3's impacts are very close to those estimated for Proposal 2-XA (which range from a low of 4.2% for kayak fishing to a high of 6.5% for pier and shore fishing). As with commercial fishing, estimates for recreational impacts are "worst-case"—assuming that fishing that historically occurred in an MPA would cease completely rather than simply relocating to the remaining open area - a far more realistic scenario.

Proposal 1-3's extremely low potential economic impacts are the direct result of its inclusive MPA development process. In addition to cross interest representation from the RSG, Proposal 1-3 was developed with extensive input from local residents throughout the region. Valuable feedback from local citizens, divers, sport and commercial fishermen, enabled the Proposal 1-3 stakeholder team to leave the most popular fishing spots open and minimize potential impacts on ports.

Valuable ecological areas that were intentionally left open to maintain prime fishing opportunities include:

- Areas around Arena Cove and Anchor Bay
- From Salt Point to Fort Ross Reef
- From Tomales Bluff to the west side of Point Reyes
- The vast majority of Duxbury Reef
- Point Bonita
- Entire stretch from Pillar Point to Año Nuevo, including most of the Half Moon Bay reef
- Salmon fishing corridors throughout most of the region.

Particular effort was made to ensure that miles of fishing grounds were left accessible for small boats going north or south (or both) from most boat launches and harbors, because these boats have fewer options than large boats.

Conclusion

We urge your Task Force to take a hard look at each of the proposals before you - paying attention to both their many similarities and their significant remaining differences. With virtually identical economic impacts to Proposal 2-XA, Proposal 1-3 does a much better job of protecting habitat and consistently scores better in the Science Advisory Team analysis in nearly every evaluation criteria. Proposal 1-3 also includes many of the high quality natural heritage value sites identified in Proposal 4 but not in 2-XA. While Proposal 4 provides the most overall protection, Proposal 1-3 is both biologically effective and economically efficient. And only Proposal 1-3 enjoys broad backing from both fishing and conservation interests.

We respectfully urge your recommendation of Proposal 1-3 as your preferred alternative as we believe it is the most collaboratively developed proposals, meets the requirements of the law,

reflects the best available science, addresses the concerns and values of the widest range of Californians and provides a high level of protection for some of our state's most diverse and spectacular coastal areas. While we believe Proposal 4 does a better job of achieving conservation values, we are proud to have been a part of this important process and therefore support your selection of nothing less than Proposal 1-3 as your preferred alternative. Please accept our offer of continued assistance to support your Task Force as you help craft a meaningful network of protected areas for all Californians.

Thank you for your consideration of these comments.

Samantha Murray
Pacific Ecosystem Program Manager

Kaitilin Gaffney
Pacific Ecosystem Protection
Program Director

cc: Michael Chrisman, Secretary of Resources